

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0428.01 Sarah Lozano x3858

HOUSE BILL 26-1111

HOUSE SPONSORSHIP

Mauro and McCormick,

SENATE SPONSORSHIP

Kipp and Roberts,

House Committees

Agriculture, Water & Natural Resources
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PROGRAM FOR THE END-OF-LIFE**
102 **MANAGEMENT OF PESTICIDE PRODUCTS, AND, IN CONNECTION**
103 **THEREWITH, CREATING THE PESTICIDE PRODUCT DISPOSAL AND**
104 **CONTAINER RECYCLING ENTERPRISE TO DEVELOP AND**
105 **ADMINISTER THE PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the pesticide product disposal and container recycling enterprise (enterprise) in the department of agriculture. The

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

board of directors of the enterprise consists of the members of the state agricultural commission.

The enterprise is tasked with developing and administering a program for the disposal of pesticide products and the recycling of pesticide product containers (program). Along with providing these business services, the program must:

- Organize pesticide product disposal and container recycling events for commercial applicators and private applicators across the state;
- Provide outreach and education to commercial applicators and private applicators on proper and safe disposal and recycling practices and the services provided by the program; and
- Provide certain business services to an applicant that registers a pesticide product with the commissioner of agriculture for sale or distribution in the state (applicant).

The enterprise operates as a government-owned business imposing:

- A pesticide product disposal fee for each pesticide product that is disposed of through the program; and
- A pesticide registration product disposal and container recycling fee on each applicant.

The fees are credited to the pesticide product disposal and container recycling enterprise cash fund for use by the enterprise to carry out the program. Money credited to the fund is subject to annual appropriation by the general assembly.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 10.5 to
3 title 35 as follows:

4 **ARTICLE 10.5**

5 **Pesticide Product Disposal and**

6 **Container Recycling Enterprise**

7 **35-10.5-101. Legislative declaration.**

8 (1) THE GENERAL ASSEMBLY FINDS THAT:

9 (a) THE ACCUMULATION OF EXCESS OR UNWANTED PESTICIDE
10 PRODUCTS MAY POSE A RISK TO HUMAN HEALTH OR THE ENVIRONMENT

1 BECAUSE:

2 (I) PESTICIDE PRODUCT CONTAINERS MAY BE COMPROMISED BY
3 LENGTHY OR IMPROPER STORAGE, LEADING TO AN INCREASED POTENTIAL
4 FOR RELEASE INTO THE ENVIRONMENT; AND

5 (II) THE ACCUMULATION OF EXCESS OR UNWANTED PESTICIDE
6 PRODUCTS MAY INCREASE THE POTENTIAL FOR IMPROPER DISPOSAL OF
7 THOSE PRODUCTS OR THEIR CONTAINERS WHEN SUITABLE AND SAFE
8 DISPOSAL OPTIONS ARE LACKING AND MAY CAUSE THOSE PRODUCTS OR
9 THE CONTENTS OF THEIR CONTAINERS TO SEEP INTO SOIL, LEACH INTO
10 GROUNDWATER, OR COME INTO CONTACT WITH HUMANS OR OTHER
11 ORGANISMS, WHICH INCREASES THE POTENTIAL FOR ENVIRONMENTAL
12 CONTAMINATION OR HUMAN HEALTH RISK; AND

13 (b) THE ESTABLISHMENT OF A PROGRAM THAT REDUCES THE
14 POTENTIAL RISKS ASSOCIATED WITH THE INCORRECT OR OTHERWISE
15 UNLAWFUL DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS AND RECYCLING
16 OF PESTICIDE PRODUCT CONTAINERS SUPPORTS PUBLIC HEALTH AND THE
17 ENVIRONMENT.

18 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

19 (a) A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR MAY
20 LACK RELIABLE OPPORTUNITIES FOR THE DISPOSAL OF PESTICIDE
21 PRODUCTS OR THE RECYCLING OF PESTICIDE PRODUCT CONTAINERS
22 BECAUSE:

23 (I) A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR CANNOT
24 DISPOSE OF OR RECYCLE PESTICIDE PRODUCTS IN HOUSEHOLD OR
25 RESIDENTIAL WASTE PROGRAMS BECAUSE THE APPLICATORS POSSESS TOO
26 HIGH OF A VOLUME OF EXCESS OR UNWANTED PESTICIDE PRODUCTS OR
27 OTHERWISE POSSESS RESTRICTED-USE PESTICIDE PRODUCTS THAT REQUIRE

1 SPECIAL HANDLING BEYOND WHAT A HOUSEHOLD OR RESIDENTIAL WASTE
2 PROGRAM CAN PROVIDE; AND

3 (II) THERE ARE A LIMITED NUMBER OF DISPOSAL FACILITIES
4 AVAILABLE TO COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS.
5 THESE FACILITIES ARE GEOGRAPHICALLY DISPERSED AND THUS
6 INCONVENIENT OR COST PROHIBITIVE TO ACCESS OR USE FOR COMMERCIAL
7 APPLICATORS AND PRIVATE APPLICATORS THAT ARE NOT LOCATED NEAR
8 THE FACILITIES.

9 (b) THE ESTABLISHMENT OF A DISPOSAL AND RECYCLING PROGRAM
10 WOULD INCENTIVIZE A COMMERCIAL APPLICATOR'S OR PRIVATE
11 APPLICATOR'S PROPER AND TIMELY MANAGEMENT OF EXCESS OR
12 UNWANTED PESTICIDE PRODUCTS BY PROVIDING A PREDICTABLE,
13 CONVENIENT, COST-EFFECTIVE, AND LAWFUL OPPORTUNITY FOR A
14 COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR TO DISPOSE OF
15 ELIGIBLE PESTICIDE PRODUCTS OR RECYCLE PESTICIDE PRODUCT
16 CONTAINERS; AND

17 (c) MANUFACTURERS OR DISTRIBUTORS OF ELIGIBLE PESTICIDE
18 PRODUCTS THAT REGISTER THEIR PRODUCTS FOR SALE OR DISTRIBUTION IN
19 THE STATE ALSO BENEFIT FROM A PESTICIDE DISPOSAL PROGRAM
20 BECAUSE THE PROGRAM:

21 (I) REDUCES A REGISTRANT'S ENVIRONMENTAL FOOTPRINT BY
22 PROMOTING THE SUSTAINABLE AND SAFE USE OF THAT REGISTRANT'S
23 ELIGIBLE PESTICIDE PRODUCT THROUGHOUT THE PRODUCT'S ENTIRE LIFE
24 CYCLE;

25 (II) LESSENS THE REGISTRANT'S BURDEN OF INDEPENDENTLY
26 MANAGING THE DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS; AND

27 (III) ALIGNS WITH PRODUCT STEWARDSHIP AND SUSTAINABILITY

1 GOALS SHARED ACROSS THE PESTICIDE INDUSTRY AND SUPPORTED BY THE
2 REQUIREMENT IN THE "FEDERAL INSECTICIDE, FUNGICIDE, AND
3 RODENTICIDE ACT", 7 U.S.C. SEC. 136 ET SEQ., THAT, IN ORDER TO BE
4 REGISTERED AS A PESTICIDE PRODUCT, THE PRODUCT'S LABEL INCLUDE
5 DIRECTIONS FOR SAFE STORAGE, USE, AND DISPOSAL AND FURTHER
6 SUPPORTED BY THE REQUIREMENT THAT REFILLABLE AND NONREFILLABLE
7 PESTICIDE PRODUCT CONTAINERS MEET SPECIFIC DESIGN AND
8 CONSTRUCTION STANDARDS.

9 (3) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT:

10 (a) TO PROMOTE PUBLIC HEALTH AND THE ENVIRONMENT AND TO
11 PROVIDE PROTECTION FROM THE POTENTIAL RISKS POSED BY THE
12 IMPROPER DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS OR RECYCLING OF
13 PESTICIDE PRODUCT CONTAINERS, COMMERCIAL APPLICATORS AND
14 PRIVATE APPLICATORS THAT USE THE BUSINESS SERVICES DESCRIBED IN
15 SECTION 35-10.5-105 (1)(a)(I) AND APPLICANTS THAT REGISTER AN
16 ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR
17 DISTRIBUTION IN THE STATE SHOULD SUPPORT THE DEVELOPMENT AND
18 ADMINISTRATION OF A PESTICIDE PRODUCT DISPOSAL AND CONTAINER
19 RECYCLING PROGRAM CREATED AS AN ENTERPRISE IN THE DEPARTMENT;

20 (b) THE ACTIVITIES OF THE ENTERPRISE SHOULD BE FUNDED BY
21 REVENUE GENERATED FROM:

22 (I) PESTICIDE PRODUCT DISPOSAL FEES PAID BY COMMERCIAL
23 APPLICATORS AND PRIVATE APPLICATORS THAT USE THE BUSINESS
24 SERVICES DESCRIBED IN SECTION 35-10.5-105 (1)(a)(I); AND

25 (II) PESTICIDE REGISTRATION PRODUCT DISPOSAL FEES PAID
26 ANNUALLY BY APPLICANTS THAT REGISTER AN ELIGIBLE PESTICIDE
27 PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION IN THE

1 STATE;

2 (c) IT IS APPROPRIATE FOR COMMERCIAL APPLICATORS AND
3 PRIVATE APPLICATORS THAT DISPOSE OF ELIGIBLE PESTICIDE PRODUCTS
4 THROUGH THE PROGRAM TO PAY THE PESTICIDE PRODUCT DISPOSAL FEE
5 IMPOSED BY THE ENTERPRISE, AS THESE APPLICATORS ARE THE DIRECT
6 BENEFICIARIES OF THE BUSINESS SERVICES PROVIDED BY THE ENTERPRISE;

7 (d) IT IS ALSO APPROPRIATE FOR APPLICANTS THAT REGISTER AN
8 ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR
9 DISTRIBUTION IN THE STATE TO PAY THE PESTICIDE REGISTRATION
10 PRODUCT DISPOSAL [REDACTED] FEE IMPOSED BY THE ENTERPRISE, AS THESE
11 APPLICANTS BENEFIT FROM A PROGRAM THAT PROVIDES FOR THE DISPOSAL
12 OF MANY OF THE ELIGIBLE PESTICIDE PRODUCTS THAT THESE APPLICANTS
13 SELL OR DISTRIBUTE IN THE STATE;

14 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
15 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
16 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
17 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
18 X OF THE STATE CONSTITUTION, THE GENERAL ASSEMBLY CONCLUDES
19 THAT THE PESTICIDE PRODUCT DISPOSAL FEE AND THE PESTICIDE
20 REGISTRATION PRODUCT DISPOSAL [REDACTED] FEE ARE FEES, NOT TAXES, AND THE
21 ENTERPRISE OPERATES AS A BUSINESS BECAUSE THE PESTICIDE PRODUCT
22 DISPOSAL FEE AND THE PESTICIDE REGISTRATION PRODUCT DISPOSAL [REDACTED]
23 FEE ARE:

24 (I) IMPOSED FOR THE SPECIFIC BUSINESS PURPOSE OF DEVELOPING
25 AND ADMINISTERING THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER
26 RECYCLING PROGRAM; AND

27 (II) COLLECTED AT A RATE THAT IS REASONABLY RELATED TO THE

1 OVERALL COST OF THE BUSINESS SERVICES BEING PROVIDED; AND
2 (f) SO LONG AS THE ENTERPRISE QUALIFIES AS AN ENTERPRISE FOR
3 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, THE
4 REVENUE FROM THE PESTICIDE PRODUCT DISPOSAL FEES AND THE
5 PESTICIDE REGISTRATION PRODUCT DISPOSAL [REDACTED] FEES IMPOSED,
6 COLLECTED, AND ADMINISTERED BY THE ENTERPRISE IS NOT STATE FISCAL
7 YEAR SPENDING, AS DEFINED IN SECTION 24-77-102 (17), OR STATE
8 REVENUES, AS DEFINED IN SECTION 24-77-103.6 (6)(c), AND DOES NOT
9 COUNT AGAINST EITHER THE STATE FISCAL YEAR SPENDING LIMIT IMPOSED
10 BY SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION OR THE EXCESS
11 STATE REVENUES CAP, AS DEFINED IN SECTION 24-77-103.6 (6)(b)(I)(G).

12 **35-10.5-102. Definitions.**

13 AS USED IN THIS ARTICLE 10.5, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (1) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE ENTERPRISE
16 CREATED IN SECTION 35-10.5-104 (1)(a).

17 (2) "COMMERCIAL APPLICATOR" HAS THE MEANING SET FORTH IN
18 SECTION 35-10-103 (2).

19 (3) "COMMISSION" MEANS THE STATE AGRICULTURAL
20 COMMISSION.

21 (4) "COMMISSIONER" MEANS THE COMMISSIONER OF
22 AGRICULTURE.

23 (5) (a) "CONTAINER" MEANS A PACKAGE, CAN, BOTTLE, BAG,
24 BARREL, DRUM, TANK, OR OTHER CONTAINING DEVICE, EXCLUDING AN
25 APPLICATION TANK, THAT IS USED TO ENCLOSE A PESTICIDE PRODUCT.

26 (b) "CONTAINER" INCLUDES A CONTAINER THAT IS USED TO SELL
27 OR DISTRIBUTE A PESTICIDE PRODUCT AND THAT ALSO FUNCTIONS IN

1 APPLYING THE PESTICIDE PRODUCT, SUCH AS A SPRAY BOTTLE, AN
2 AEROSOL CAN, AND A CONTAINER THAT BECOMES PART OF A DIRECT
3 INJECTION SYSTEM.

4 (6) "DEPARTMENT" MEANS THE DEPARTMENT OF AGRICULTURE.

5 (7) "ELIGIBLE PESTICIDE PRODUCT" MEANS ALL PESTICIDE
6 PRODUCTS REGISTERED IN COLORADO, EXCEPT FOR THOSE THAT HAVE
7 BEEN IDENTIFIED AS EXEMPT FROM THE PROGRAM BY THE BOARD
8 PURSUANT TO SECTION 35-10.5-104 (2)(b).

9 (8) "ENTERPRISE" MEANS THE PESTICIDE PRODUCT DISPOSAL AND
10 CONTAINER RECYCLING ENTERPRISE CREATED IN SECTION 35-10.5-103 (1).

11 (9) "FUND" MEANS THE PESTICIDE PRODUCT DISPOSAL AND
12 CONTAINER RECYCLING ENTERPRISE CASH FUND CREATED IN SECTION
13 35-10.5-106 (1).

14 (10) (a) "PESTICIDE" HAS THE MEANING SET FORTH IN SECTION
15 35-9-103 (11) BUT INCLUDES ONLY PESTICIDES THAT ARE REGISTERED
16 WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY UNDER
17 THE "FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT", 7
18 U.S.C. SEC. 136 ET SEQ., OR WITH THE DEPARTMENT UNDER ARTICLE 9 OF
19 THIS TITLE 35.

20 (b) "PESTICIDE" DOES NOT INCLUDE PESTICIDE RINSATE, SPILLED
21 MATERIAL, OR AFFECTED MEDIA.

22 (11) "PESTICIDE PRODUCT" MEANS A PESTICIDE IN THE PARTICULAR
23 FORM, INCLUDING PACKAGING, COMPOSITION, AND LABELING, IN WHICH
24 THE PESTICIDE IS INTENDED TO BE DISTRIBUTED OR SOLD.

25 (12) "PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING
26 PROGRAM" OR "PROGRAM" MEANS THE PESTICIDE PRODUCT DISPOSAL AND
27 CONTAINER RECYCLING PROGRAM DESCRIBED IN SECTION 35-10.5-105 (1).

1 (13) "PESTICIDE PRODUCT DISPOSAL FEE" MEANS THE FEE IMPOSED
2 BY THE ENTERPRISE PURSUANT TO SECTION 35-10.5-105 (2)(a).

3 (14) "PESTICIDE REGISTRATION PRODUCT DISPOSAL █ █ FEE"
4 MEANS THE ANNUAL FEE IMPOSED BY THE ENTERPRISE PURSUANT TO
5 SECTION 35-10.5-105 (3)(a).

6 (15) "PRIVATE APPLICATOR" HAS THE MEANING SET FORTH IN
7 SECTION 35-10-103 (11.5).

8 **35-10.5-103. Enterprise created.**

9 (1) THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING
10 ENTERPRISE IS CREATED IN THE DEPARTMENT AND EXERCISES ITS POWERS
11 AND PERFORMS ITS DUTIES AND FUNCTIONS AS A GOVERNMENT-OWNED
12 BUSINESS IN THE DEPARTMENT TO EXECUTE THE BUSINESS PURPOSES SET
13 FORTH IN THIS SECTION. THE ENTERPRISE IS CREATED FOR THE PURPOSES
14 OF:

15 (a) DEVELOPING AND ADMINISTERING THE PESTICIDE PRODUCT
16 DISPOSAL AND CONTAINER RECYCLING PROGRAM; AND

17 (b) IMPOSING THE PESTICIDE PRODUCT DISPOSAL FEE AND THE
18 PESTICIDE REGISTRATION PRODUCT DISPOSAL █ FEE.

19 (2) THE BOARD, IN CONSULTATION WITH THE DEPARTMENT, SHALL
20 ADMINISTER THE ENTERPRISE IN ACCORDANCE WITH THIS SECTION.

21 (3) (a) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR
22 PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO
23 LONG AS IT RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND
24 RECEIVES LESS THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS, AS
25 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
26 LOCAL GOVERNMENTS COMBINED. SO LONG AS IT CONSTITUTES AN
27 ENTERPRISE, THE ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE

1 X OF THE STATE CONSTITUTION.

2 (b) THE ENTERPRISE IS AUTHORIZED TO ISSUE REVENUE BONDS FOR
3 THE EXPENSES OF THE ENTERPRISE, SECURED BY REVENUE OF THE
4 ENTERPRISE.

5 **35-10.5-104. Board of directors created - powers and duties -**
6 **rules.**

7 (1) (a) THE ENTERPRISE BOARD OF DIRECTORS IS CREATED TO
8 ADMINISTER THE ENTERPRISE. THE BOARD CONSISTS OF THE MEMBERS OF
9 THE COMMISSION.

10 (b) BOARD MEMBERS SERVE WITHOUT COMPENSATION AND ARE
11 NOT ENTITLED TO RECEIVE REIMBURSEMENT FOR TRAVEL EXPENSES
12 INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

13 (2) IN ADDITION TO THE PURPOSE DESCRIBED IN SUBSECTION (1)(a)
14 OF THIS SECTION AND ANY OTHER POWERS AND DUTIES SPECIFIED IN THIS
15 ARTICLE 10.5, THE BOARD HAS THE FOLLOWING POWERS AND DUTIES ON
16 BEHALF OF THE ENTERPRISE:

17 (a) TO ADOPT PROCEDURES FOR CONDUCTING THE BOARD'S
18 AFFAIRS;

19 (b) TO ADOPT RULES AS NECESSARY AND NOT INCONSISTENT WITH
20 LAW FOR THE ADMINISTRATION AND IMPLEMENTATION OF THIS ARTICLE
21 10.5, INCLUDING:

22 (I) IDENTIFYING THE PESTICIDE PRODUCTS THAT ARE EXEMPT FROM
23 THE PROGRAM BASED ON FACTORS ESTABLISHED BY THE BOARD;

24 (II) SETTING THE AMOUNT OF THE PESTICIDE PRODUCT DISPOSAL
25 FEE;

26 (III) SETTING THE AMOUNT OF THE PESTICIDE REGISTRATION
27 PRODUCT DISPOSAL FEE; AND

1 (IV) ANY OTHER RULES NECESSARY FOR THE ADMINISTRATION
2 AND IMPLEMENTATION OF THE PROGRAM;

3 (c) TO ENGAGE THE SERVICES OF CONTRACTORS AND
4 CONSULTANTS, INCLUDING THE DEPARTMENT, FOR PROFESSIONAL AND
5 TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY OTHER SERVICES
6 RELATED TO THE CONDUCT OF THE AFFAIRS OF THE ENTERPRISE, WITHOUT
7 REGARD TO THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE
8 24; AND

9 (d) TO HAVE AND EXERCISE THE RIGHTS AND POWERS NECESSARY
10 OR INCIDENTAL TO OR IMPLIED FROM THE SPECIFIC POWERS AND DUTIES
11 GRANTED BY THIS SECTION.

12 (3) (a) THE ENTERPRISE MAY CONTRACT WITH THE DEPARTMENT
13 FOR THE PROVISION OF OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE
14 ENTERPRISE AT A FAIR MARKET RATE.

15 (b) THE ENTERPRISE SHALL ENGAGE THE ATTORNEY GENERAL'S
16 OFFICE FOR LEGAL SERVICES.

17 **35-10.5-105. Pesticide product disposal and container**
18 **recycling program - fees.**

19 (1) ON AND AFTER JANUARY 1, 2027, THE BOARD SHALL DEVELOP
20 AND ADMINISTER A PROGRAM FOR THE DISPOSAL OF ELIGIBLE PESTICIDE
21 PRODUCTS AND TO COORDINATE THE RECYCLING OF PESTICIDE PRODUCT
22 CONTAINERS, WHICH PROGRAM MUST:

23 (a) PROVIDE THE FOLLOWING BUSINESS SERVICES TO COMMERCIAL
24 APPLICATORS AND PRIVATE APPLICATORS IN THE STATE:

25 (I) ELIGIBLE PESTICIDE PRODUCT DISPOSAL SERVICES TO
26 COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS THAT PAY THE
27 PESTICIDE PRODUCT DISPOSAL FEE;

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(II) OUTREACH AND EDUCATION TO COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS ON THE PROPER AND SAFE DISPOSAL OF ELIGIBLE PESTICIDE PRODUCTS AND RECYCLING OF THEIR CONTAINERS AND ON THE BUSINESS SERVICES PROVIDED BY THE PROGRAM;

(III) ESTABLISHING ELIGIBLE PESTICIDE PRODUCT DISPOSAL EVENTS FOR COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS, WHICH EVENTS MUST BE SCHEDULED AT A PREDICTABLE FREQUENCY AND IN DIVERSE GEOGRAPHIC LOCATIONS ACROSS THE STATE, AND THE ENTERPRISE MAY CONTRACT WITH THIRD PARTIES TO HOST, MANAGE, OR OVERSEE THE ELIGIBLE PESTICIDE PRODUCT DISPOSAL EVENTS; AND

(IV) PROVIDING A COST-EFFECTIVE MEANS FOR COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS TO DISPOSE OF ELIGIBLE PESTICIDE PRODUCTS OR RECYCLE PESTICIDE PRODUCT CONTAINERS BY ALLOWING COMMERCIAL APPLICATORS AND PRIVATE APPLICATORS THAT PARTICIPATE IN THE PROGRAM TO SHARE THE COSTS OF THE DISPOSAL SERVICES; AND

(b) PROVIDE THE FOLLOWING BUSINESS SERVICES TO APPLICANTS THAT REGISTER AN ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION IN THE STATE:

(I) DECREASING COSTS BORNE BY AN APPLICANT WHEN THE APPLICANT MUST DISPOSE OF AN ELIGIBLE PESTICIDE PRODUCT INDEPENDENT OF A CONVENIENT, LOCAL, AND ESTABLISHED PROGRAM;

(II) SUPPORTING AN APPLICANT'S PRODUCT STEWARDSHIP GOALS BY PROVIDING A SAFE, RELIABLE, AND CONVENIENT OPPORTUNITY FOR ELIGIBLE PESTICIDE PRODUCT DISPOSAL;

(III) DECREASING THE FINANCIAL AND ENVIRONMENTAL

1 FOOTPRINT OF AN APPLICANT'S PESTICIDE PRODUCT BY ENSURING PROPER
2 DISPOSAL OF THE ELIGIBLE PESTICIDE PRODUCT AT THE END-OF-LIFE
3 STAGE; AND

4 (IV) DECREASING AN APPLICANT'S LIABILITY FOR CONSEQUENCES
5 ASSOCIATED WITH THE IMPROPER DISPOSAL OF UNWANTED OR EXCESS
6 ELIGIBLE PESTICIDE PRODUCTS BY PROVIDING AN OPPORTUNITY FOR
7 LAWFUL DISPOSAL.

8 (2) (a) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD
9 SHALL IMPOSE A PESTICIDE PRODUCT DISPOSAL FEE FOR AN ELIGIBLE
10 PESTICIDE PRODUCT THAT IS DISPOSED OF THROUGH THE PROGRAM.

11 (b) ON AND AFTER JANUARY 1, 2027, A COMMERCIAL APPLICATOR
12 OR PRIVATE APPLICATOR THAT DISPOSES OF AN ELIGIBLE PESTICIDE
13 PRODUCT THROUGH THE PROGRAM SHALL PAY A PESTICIDE PRODUCT
14 DISPOSAL FEE IN AN AMOUNT DETERMINED BY THE BOARD TO THE
15 DEPARTMENT, WHICH SHALL COLLECT THE PESTICIDE PRODUCT DISPOSAL
16 FEE ON BEHALF OF THE ENTERPRISE.

17 (c) THE DEPARTMENT SHALL COLLECT A PESTICIDE PRODUCT
18 DISPOSAL FEE FROM A COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR
19 ONLY IF THE APPLICATOR DISPOSES OF AN ELIGIBLE PESTICIDE PRODUCT
20 THROUGH THE PROGRAM. NOTHING IN THIS ARTICLE 10.5 REQUIRES A
21 COMMERCIAL APPLICATOR OR PRIVATE APPLICATOR TO DISPOSE OF AN
22 ELIGIBLE PESTICIDE PRODUCT OR RECYCLE A PESTICIDE PRODUCT
23 CONTAINER THROUGH THE PROGRAM.

24 (3) (a) BEGINNING IN STATE FISCAL YEAR 2026-27, THE BOARD
25 SHALL IMPOSE AN ANNUAL PESTICIDE REGISTRATION PRODUCT DISPOSAL
26 FEE ON EACH APPLICANT THAT REGISTERS AN ELIGIBLE PESTICIDE
27 PRODUCT WITH THE COMMISSIONER FOR SALE OR DISTRIBUTION IN THE

1 STATE, WHICH PESTICIDE REGISTRATION PRODUCT DISPOSAL FEE MUST BE
2 NO MORE THAN FIFTY DOLLARS PER ELIGIBLE PESTICIDE PRODUCT, AS
3 ANNUALLY ADJUSTED FOR INFLATION. INFLATION IS MEASURED BY THE
4 ANNUAL PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF
5 LABOR'S BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX, OR A
6 SUCCESSOR INDEX, FOR DENVER-AURORA-LAKEWOOD FOR ALL ITEMS
7 PAID FOR BY URBAN CONSUMERS.

8 (b) ON AND AFTER NOVEMBER 1, 2026, AN APPLICANT THAT
9 REGISTERS AN ELIGIBLE PESTICIDE PRODUCT WITH THE COMMISSIONER FOR
10 SALE OR DISTRIBUTION IN THE STATE SHALL PAY AN ANNUAL PESTICIDE
11 REGISTRATION PRODUCT DISPOSAL FEE IN AN AMOUNT DETERMINED BY
12 THE BOARD TO THE DEPARTMENT, WHICH SHALL COLLECT THE PESTICIDE
13 REGISTRATION PRODUCT DISPOSAL FEE ON BEHALF OF THE ENTERPRISE.

14 (4) (a) THE STATE TREASURER SHALL CREDIT THE MONEY
15 COLLECTED PURSUANT TO THIS SECTION TO THE FUND.

16 (b) MONEY COLLECTED PURSUANT TO THIS SECTION AND CREDITED
17 TO THE FUND PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION:

18 (I) IS COLLECTED FOR THE ENTERPRISE;

19 (II) IS CUSTODIAL MONEY INTENDED FOR THE ENTERPRISE AND
20 HELD TEMPORARILY BY THE DEPARTMENT AND THE STATE TREASURER
21 SOLELY FOR THE PURPOSE OF TRANSFERRING THE MONEY TO THE FUND FOR
22 USE BY THE ENTERPRISE; AND

23 (III) BASED ON THE ENTERPRISE'S STATUS AS AN ENTERPRISE, IS
24 NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION
25 AT ANY TIME DURING THE MONEY'S COLLECTION, TRANSFER, AND USE.

26 **35-10.5-106. Cash fund - creation - gifts, grants, or donations**
27 **- repeal.**

1 (1) THE PESTICIDE PRODUCT DISPOSAL AND CONTAINER RECYCLING
2 ENTERPRISE CASH FUND IS CREATED IN THE STATE TREASURY. THE FUND
3 CONSISTS OF:

4 (a) MONEY RECEIVED AS A PESTICIDE PRODUCT DISPOSAL FEE OR
5 A PESTICIDE REGISTRATION PRODUCT DISPOSAL [REDACTED] FEE PURSUANT TO
6 SECTION 35-10.5-105;

7 (b) ANY MONEY RECEIVED FROM THE ISSUANCE OF REVENUE
8 BONDS, AS DESCRIBED IN SECTION 35-10.5-103 (3)(b);

9 (c) ANY GIFTS, GRANTS, OR DONATIONS MADE TO THE ENTERPRISE
10 FOR THE PURPOSES OF THIS SECTION; AND

11 (d) ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY
12 APPROPRIATE OR TRANSFER TO THE FUND.

13 (2) (a) SECTION 24-77-108 DOES NOT APPLY TO THE ENTERPRISE
14 BECAUSE THE TOTAL AMOUNT OF MONEY CREDITED OR APPROPRIATED TO
15 THE FUND AS PESTICIDE PRODUCT DISPOSAL FEES AND PESTICIDE
16 REGISTRATION PRODUCT DISPOSAL [REDACTED] FEES DOES NOT EXCEED ONE
17 HUNDRED MILLION DOLLARS IN THE FIRST FIVE YEARS OF THE ENTERPRISE'S
18 EXISTENCE.

19 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
20 2031.

21 (3) MONEY CREDITED TO THE FUND IS CONTINUOUSLY
22 APPROPRIATED TO THE ENTERPRISE FOR THE PURPOSES SET FORTH IN THIS
23 ARTICLE 10.5 AND TO PAY THE ENTERPRISE'S REASONABLE AND
24 NECESSARY ADMINISTRATIVE AND OPERATING EXPENSES. THE STATE
25 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
26 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

27 (4) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING

1 IN THE FUND AT THE END OF A STATE FISCAL YEAR REMAINS IN THE FUND
2 AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND.

3 (5) THE ENTERPRISE MAY SEEK, ACCEPT, AND EXPEND GIFTS,
4 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
5 PURPOSES OF THIS SECTION. THE STATE TREASURER SHALL CREDIT THE
6 GIFTS, GRANTS, OR DONATIONS TO THE FUND.

7 **35-10.5-107. Reporting.**

8 (1) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), NO LATER
9 THAN APRIL 1, 2028, AND NO LATER THAN EACH APRIL 1 THEREAFTER, THE
10 ENTERPRISE SHALL REPORT TO THE AGRICULTURE, WATER, AND NATURAL
11 RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
12 AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR
13 ANY SUCCESSOR COMMITTEES, THE FOLLOWING INFORMATION FOR THE
14 PRIOR CALENDAR YEAR:

15 (a) THE AMOUNT OF PESTICIDE PRODUCT DISPOSAL FEES
16 COLLECTED BY THE DEPARTMENT ON BEHALF OF THE ENTERPRISE;

17 (b) THE AMOUNT OF PESTICIDE REGISTRATION PRODUCT DISPOSAL
18 FEES COLLECTED BY THE DEPARTMENT ON BEHALF OF THE ENTERPRISE;

19 (c) THE TOTAL REVENUE GENERATED ON BEHALF OF OR BY THE
20 ENTERPRISE;

21 (d) A DESCRIPTION OF THE LOCATIONS AND TIMES OF THE
22 PESTICIDE PRODUCT DISPOSAL EVENTS FOR COMMERCIAL APPLICATORS
23 AND PRIVATE APPLICATORS PURSUANT TO SECTION 35-10.5-105 (1)(a)(III);

24 (e) A SUMMARY OF THE AMOUNT AND TYPES OF ELIGIBLE
25 PESTICIDE PRODUCTS THAT WERE DISPOSED OF THROUGH THE BUSINESS
26 SERVICES DESCRIBED IN SECTION 35-10.5-105 (1)(a)(I); AND

27 (f) A DESCRIPTION OF THE OUTREACH AND EDUCATION ACTIVITIES

1 CONDUCTED BY THE ENTERPRISE PURSUANT TO SECTION 35-10.5-105
2 (1)(a)(II).

3 SECTION 2. In Colorado Revised Statutes, 35-9-107, **amend** (2)
4 as follows:

5 **35-9-107. Pesticide registration - application - fees - expiration**
6 **- rules.**

7 (2) Each applicant shall pay, at the time the application is
8 submitted:

9 (a) An annual application fee in an amount to be determined by
10 the commissioner; AND

11 (b) ON AND AFTER NOVEMBER 1, 2026, A PESTICIDE REGISTRATION
12 PRODUCT DISPOSAL FEE, AS DEFINED IN SECTION 35-10.5-102 (14).

13 SECTION 3. **Safety clause.** The general assembly finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, or safety or for appropriations for
16 the support and maintenance of the departments of the state and state
17 institutions.